

Exhibit A

THE HONORABLE JOHN H. CHUN

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

**[PLAINTIFFS' PROPOSED] CASE
MANAGEMENT ORDER**

Pursuant to the Joint Status Report and Discovery Plan submitted by the parties, the Court orders that the following shall govern the proceedings:

1. Status Conferences

a. The Court will hold a bimonthly [video/telephonic] status conference, starting two months after the Court issues a scheduling order, or at such times as the Court determines in its discretion.

b. The parties shall submit a joint status report no later than three business days before each scheduled status conference containing a brief update regarding the status of discovery, any discovery disputes where the Court's guidance could be productive, and any other matters the parties wish to bring to the Court's attention. Any party that intends to raise a discovery dispute in the joint status report shall notify the other side of its intent to do so, in

1 writing, no later than five business days before the joint status report is due. Nothing herein shall
2 preclude any party from otherwise submitting discovery disputes in accordance with the
3 procedures of the Local Rules or this Order.

4 **2. Document Requests**

5 a. The parties must serve responses and objections to requests for production
6 of documents within 30 days as required by FRCP 34, unless otherwise agreed by the parties. At
7 the time it serves its responses, the producing party will provide estimated dates for when it will
8 begin rolling document productions of the documents it has agreed to produce in its responses
9 and for the completion of that production, or alternately propose a date for an inspection of
10 documents.

11 b. Within 14 days of service of any responses and objections, the parties
12 must start the meet and confer process in good faith regarding any disputes, including disputes
13 regarding the producing party's responses and objections, the scope of the producing party's
14 collection, search, and review of documents (including regarding custodians and any search
15 methodology, if applicable), and the timing of document production.

16 c. All document productions shall be made on a rolling basis.

17 d. To the extent that there is a dispute regarding the fact or scope of
18 production that affects the producing party's ability to provide estimated times for when it will
19 begin and complete its document production, the producing party will supplement its good-faith
20 estimates, or alternately propose a date for an inspection of documents, upon the resolution of
21 such disputes.

22 e. The parties shall substantially complete document production by August 1,
23 2024 in response to requests for production issued on or before February 1, 2024, and shall
24 substantially complete document production by December 1, 2024 in response to requests for

1 production issued on or before June 1, 2024. These deadlines shall not be construed as limiting
2 the parties' ability to issue discovery requests, or as limiting the scope of those requests. The
3 parties may agree to modify these dates. The provisions in this paragraph 2(e) do not apply to
4 productions of structured data.

5 **3. Structured Data**

6 a. Paragraphs 2(a) through 2(d) above apply to requests for production of
7 structured data.

8 b. If a party identifies sources of its own structured data in its Rule 26(a)(1)
9 disclosures, or in supplements or amendments to such disclosures, the party shall provide
10 samples and data dictionaries for all such sources of structured data within 45 days.

11 c. If a request for production calls for the responding party's structured data,
12 the responding party shall provide samples and data dictionaries for all such sources of structured
13 data that may be responsive to that request within 45 days after the request is served.

14 d. The parties shall complete productions of structured data as follows,
15 unless otherwise agreed to by all parties: within 20 days after the parties agree on the scope of
16 production, for data sets 10 TB or smaller; within 40 days after the parties agree on the scope of
17 production, for data sets larger than 10 TB but 100 TB or smaller; and within 60 days after the
18 parties agree on the scope of production, for data sets larger than 100 TB.

19 e. The parties shall complete the production of structured data by August 1,
20 2024 in response to requests for production issued on or before February 1, 2024; shall complete
21 the production of structured data by December 1, 2024 in response to requests for production
22 issued on or before June 1, 2024; and shall complete the production of structured data by
23 February 1, 2025 in response to requests for production issued on or before October 1, 2024.

1 f. Any significant volume of data may be produced by AWS s3 buckets to
2 facilitate efficient transmission of the data.

3 g. In the event of any conflict between the deadlines in paragraphs 2(d) and
4 2(e) above, the deadlines in paragraphs 2(e) control.

5 h. These deadlines shall not be construed as limiting the parties' ability to
6 issue discovery requests, or as limiting the scope of those requests.

7 **4. Interrogatories**

8 a. Each side is limited to 40 interrogatories in total, including discrete
9 subparts. Each side reserves the right to ask the Court for leave to serve additional
10 interrogatories. If the same interrogatory is served on multiple Plaintiffs, it shall count as a
11 single interrogatory, regardless of the number of Plaintiffs served.

12 b. The parties must serve responses and objections to interrogatories within
13 30 days as required by FRCP 33, unless otherwise agreed by the parties. If the responding party
14 opts to respond by producing business records pursuant to FRCP 33(d), Paragraphs 2(a) through
15 2(e) above shall apply.

16 c. Within 14 days of service of any responses and objections, the parties
17 must start the meet and confer process in good faith regarding any disputes, including disputes
18 regarding the producing party's responses and objections, whether any interrogatory may be
19 satisfied by the production of documents or structured data, the scope of the producing party's
20 collection, search, and review of documents, if applicable (including regarding custodians and
21 any search methodology, if applicable), and the timing of document production, if applicable.

22 **5. Requests for Admission**

23 a. Each side is limited to 200 requests for admission in total. Requests for
24 admission relating solely to the authentication or admissibility of documents, data, or other

evidence (which are issues that the parties must attempt to resolve initially through good-faith negotiation) do not count against these limits. Each side reserves the right to ask the Court for leave to serve additional requests for admission.

b. The parties must serve responses and objections to requests for admission within 30 days as required by FRCP 36, unless otherwise agreed by the parties.

c. The close of fact discovery shall not limit requests for admission regarding authentication or admissibility.

6. Depositions

a. Each side is limited to 630 total deposition hours for party witnesses (including former employees of a party being deposed in that capacity) and 350 total deposition hours for nonparty witnesses. These time limitations refer to the time of testimony actually taken on the record. These limitations apply only to fact discovery. The following do not count against these limitations: (a) depositions of the parties' expert witnesses; (b) sworn testimony taken during Plaintiffs' pre-Complaint investigation or in any other litigation or government investigation; (c) depositions taken for the sole purpose of establishing the authenticity or admissibility of documents, data, or other evidence, provided that such depositions must be designated as such at the time they are noticed.

b. Where the parties and the deponent consent, depositions may be held remotely. The parties will meet and confer regarding a protocol for remote depositions. Nothing in this Order prevents a party from seeking an in-person deposition.

c. The parties will use their best efforts to make witnesses available for deposition at a mutually agreeable time and location and without undue delay.

d. If a witness is a former employee of a party, that party shall promptly, and no later than 14 days of receiving a deposition notice for the former employee, provide the

1 following information to the extent that it is known: (a) the former employee's date of departure
2 and last known address; (b) whether the party's counsel will be representing the former
3 employee in connection with the deposition, and if so, whether the party's counsel will accept
4 service of a subpoena; and (c) if the party's counsel will not be representing the former employee
5 in connection with the deposition, the name and contact information for the witness' counsel or
6 that the witness is unrepresented. The party shall promptly supplement any information that is
7 subsequently known to the party.

8 e. If a party serves a subpoena for the production of documents or ESI on a
9 nonparty and subpoena commanding a deposition by a witness for the nonparty, the party serving
10 those subpoenas must schedule the witness's deposition for a date at least 14 days after the return
11 date for the document subpoena. If the return date for the document subpoena is extended, then
12 absent consent from both sides the deposition must be postponed to a date at least 14 days after
13 the completion of production for substantially all documents called for by the subpoena (as
14 modified by any negotiations regarding subpoena compliance) (a) with respect to which the
15 witness is an author, sender, recipient, or custodian; and (b) that are contained in a shared filing
16 location or electronic or physical repository that the witness had access to in the ordinary course
17 of business.

18 f. If a party serves a subpoena for the production of documents or ESI on a
19 nonparty and subpoena commanding a Rule 30(b)(6) deposition for the nonparty, the party
20 serving those subpoenas must schedule the deposition for a date at least 14 days after the return
21 date for the document subpoena. If the return date for the document subpoena is extended, then
22 absent consent from both sides the deposition must be postponed to a date at least 14 days after
23 the completion of production for substantially all documents called for by the subpoena (as
24 modified by any negotiations regarding subpoena compliance).

1 **7. Discovery on Nonparties.** The requesting party must provide all other parties
 2 with a written record of any oral or written modifications, extensions, or postponements to the
 3 discovery request within 3 business days of the modification, extension, or postponement. Every
 4 discovery request to a nonparty shall include a cover letter requesting that the nonparty provide
 5 copies of all productions to both the requesting party and the other side at the same time.

6 **8. Expedited Joint Motion Procedure.** The parties may use the expedited joint
 7 motion procedure for discovery disputes in LCR 37(a)(2), at the moving party's election. The
 8 parties may also file discovery motions using the standard procedure set forth in LCR 7.

9 **9. Service of Pleadings and Discovery on Other Parties.** Service of all pleadings,
 10 motions, and other papers that are filed shall be made by ECF (which will send notice to all
 11 parties and nonparties registered with ECF). Service of all discovery notices, requests (including
 12 subpoenas for testimony or documents under FRCP 45), and written responses shall be made by
 13 email to the persons whose email is listed below. If the volume of attachments makes service by
 14 email impracticable, a party shall make service via a secure FTP service or overnight delivery to
 15 the persons listed below. The parties may modify this list by agreement.

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12 **10. Presumptions of Authenticity.** Documents produced by parties and nonparties
13 from their own files shall be presumed to be authentic within the meaning of Federal Rule of
14 Evidence 901. Any good-faith objection to a document's authenticity must be provided with the
15 exchange of other objections to intended trial exhibits. If the opposing side serves a specific
16 good faith written objection to the document's authenticity, the presumption of authenticity will
17 no longer apply to that document and the parties will promptly meet and confer to attempt to
18 resolve any objection.

19 **11. Nationwide Service of Process.** To assist the parties in planning discovery, and
20 in light of the geographic dispersion of potential witnesses in this action, the Court finds that
21 there is good cause shown to permit the parties, under 15 U.S.C. § 23, to issue nationwide
22 discovery and trial subpoenas from this Court. The availability of nationwide service of process,
23 however, does not make a witness who is otherwise "unavailable" for purposes of FRCP 32 and
24

FRE 804 “available” under these rules regarding the use at trial of a deposition taken in this action.

12. Modification. Any party may seek modification of this order, for good cause.

IT IS SO ORDERED.

DATED: _____

The Honorable John H. Chun
UNITED STATES DISTRICT JUDGE

Presented by:

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